IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO: 4807 of 2004

Between:

Thummarupudi Tirumaleswararo son of Hanumantharao
Durga Dariy Limited, Nunna Village, Nuzvid Road,
Vijayawada Rural Mandal, Krishna District. **...PETITIONER**

AND

1. Superintending Engineer (Operation),
Southern Power Distribution Company, Andhra Pradesh Ltd.,
Vijayawada, Krishana District.
2. Government of Andhra Pradesh,
Industries and Commerce (IP) Department,
Secretariat, Hyderabad.
3. General Manager, District Industries Centre,
Government of Andhra Pradesh, Vijayawada. **...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction especially in the nature of Writ of Mandamus declaring the action of the respondents in not extending the concession of Power rebate as per the provisions of G.O.Ms.No.108 Industries & Commerce (IP) Dept., dt.20/05/1996, as arbitrary, illegal and unconstitutional and direct the respondents to extend the said benefits immediately along with all the consequential benefits.

Counsel for the Petitioner: MR. N. SRIRAM MURTHY

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

The Court made the following:

ORDER: -

Petitioner questions the action of respondents in not extending the concession of the power rebate as per the provisions of GO.Ms.No.108 Industries & Commerce (IP) Department dated 20-05-1996 as illegal, arbitrary and sought

direction to the respondents to extend the benefits of the said G.O.

2. It is stated that the petitioner is manufacturer of Ghee and Butter, registered under the name and style of Durga Dairy Limited with Registrar of Companies with effect from 21-02-2000 with a generator, as there was delay in giving power supply connection by the first respondent. It is stated that the Government of Andhra Pradesh issued orders in G.O.Ms.No.108 dated 20-05-1996 to achieve the "TARGET 2000". In view of the new Industrial Policy of 1992 certain incentives were offered for setting up of new industries in the State of Andhra Pradesh. As per the provisions of the said G.O. all the industries other than those listed in the annexure and other than those set up in the Municipal Corporations of the State are eligible 25% of the rebate in power bills for a period of three years from the date of the commencement of the commercial production.

3. It is not in dispute that the petitioner has started commercial production with effect from 21-02-2000 with a generator. The date of commencement of commercial production is before 31-03-2000, as such entitling the petitioner unit for the rebate in power. Admittedly, the Ghee and Butter is not listed in the in-eligible industries annexed to the said G.O. Therefore, it cannot be said that the petitioner is not entitled for the rebate in power.

4. It is pertinent to note that the General Manager of the District Industries Centre, Vilayawada vide proceedings dated 16-02-2001 communicated to the Superintending Engineer (Operation), Transmission Corporation of Andhra Pradesh Limited, Vijayawada stating that the petitioner's unit has commenced the regular production on 21-01-2000 and the petitioner unit is entitled for 25% power rebate and accordingly eligibility certificate has been issued to the petitioner to avail 25% of the power rebate with effect from 15-09-2000.

5. But a counter affidavit has been filed by the first respondent stating that the power connection was given to the petitioner with effect from
15-09-2000 and therefore, it cannot be said that the petitioner is entitled for 25% of the power rebate energy and according to the G.O. the new industrial units are entitled for power rebate only in cases wherever they have commenced the

production before 31-03-2000. There is no dispute with regard to the commencement of production by the petitioner from
21-02-2000 and as the commencement of production was already started prior to cut off date 31-03-2000, I am of the opinion that the petitioner is entitled to 25% of the power rebate.

6. This Court in a similar case in W.P.No.7799 of 2002 by order dated 23-04-2002 directed the respondents to consider grant of rebate in power in view of the certificate issued by the District Industries Centre.

7. Having regard to the facts and circumstances, there shall be direction to the respondents to consider the case of the petitioner for grant of rebate in power in view of the certificate issued by the District Industries Centre within a period of eight weeks from the date of receipt of a copy of this order.

8. The writ petition is accordingly disposed of. No costs.

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V. ESWARAIAH, J

Dt.06-04-2005

Glv

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to: -

1. Superintending Engineer (Operation),
Southern Power Distribution Company, Andhra Pradesh Ltd.,
Vijayawada, Krishana District.
2. The Secretary, Industries and Commerce (IP) Department,
Government of Andhra Pradesh, Secretariat, Hyderabad.
3. General Manager, District Industries Centre,
Government of Andhra Pradesh, Vijayawada.

4. Two CCs to the GP for Industries and Commerce,
High Court Buildings, Hyderabad. (OUT)

Two CD copies

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